

Message

From: Mia, Marcia [Mia.Marcia@epa.gov]
Sent: 7/19/2018 9:00:44 PM
To: Lischinsky, Robert [Lischinsky.Robert@epa.gov]
Subject: RE: IMPORTANT: Guidance document issue discussed at this week's OD meeting - REPSONSE NEEDED BY 7/25

It also says “• Final rules other than those (1) of particular applicability”

Marcia B Mia
Air Branch
Office of Compliance
2227A WJCS
U.S. Environmental Protection Agency
202-564-7042

From: Lischinsky, Robert
Sent: Thursday, July 19, 2018 4:56 PM
To: Mia, Marcia <Mia.Marcia@epa.gov>
Subject: RE: IMPORTANT: Guidance document issue discussed at this week's OD meeting - REPSONSE NEEDED BY 7/25

Well, the e-mail from Mark below mentions documents interpreting regulations and Martha says they discussed ADs as being examples at the ODs meeting. I was aware of policy documents such as CMS that should go through CRA but don't think we had done in recent past. They may be looking to be more inclusive. I can follow up with Martha to see what they truly want to put forward.

From: Mia, Marcia
Sent: Thursday, July 19, 2018 4:48 PM
To: Lischinsky, Robert <Lischinsky.Robert@epa.gov>
Subject: RE: IMPORTANT: Guidance document issue discussed at this week's OD meeting - REPSONSE NEEDED BY 7/25

Hey Rob,
It asks for actual documents which EPA would submit to Congress under CRA. Do we do anything like that? I highlighted the request, below.

Marcia B Mia
Air Branch
Office of Compliance
2227A WJCS
U.S. Environmental Protection Agency
202-564-7042

From: Lischinsky, Robert
Sent: Thursday, July 19, 2018 4:41 PM
To: Segall, Martha <Segall.Martha@epa.gov>; Mia, Marcia <Mia.Marcia@epa.gov>; VanTil, Barbara <vantil.barbara@epa.gov>; Chow, Emily <Chow.Emily@epa.gov>; Ambrosino, Helene <Ambrosino.Helene@epa.gov>; Carbone, Chad <Carbone.Chad@epa.gov>
Cc: Duffy, Rick <Duffy.Rick@epa.gov>
Subject: RE: IMPORTANT: Guidance document issue discussed at this week's OD meeting - REPSONSE NEEDED BY 7/25

Martha,

A couple of questions for the air branch:

- * Should we only provide the ADs signed here at HQ or all ADs (HQ and regions) since January 2017?
- * Should we provide the Federal Register Notices that had been published since January 2017 for the ADs and ICRs?

From: Segall, Martha

Sent: Thursday, July 19, 2018 3:37 PM

To: Lischinsky, Robert <Lischinsky.Robert@epa.gov>; Mia, Marcia <Mia.Marcia@epa.gov>; VanTil, Barbara <vantil.barbara@epa.gov>; Chow, Emily <Chow.Emily@epa.gov>; Ambrosino, Helene <Ambrosino.Helene@epa.gov>; Carbone, Chad <Carbone.Chad@epa.gov>

Cc: Duffy, Rick <Duffy.Rick@epa.gov>

Subject: FW: IMPORTANT: Guidance document issue discussed at this week's OD meeting - REPSONSE NEEDED BY 7/25

Folks,

See request below. Please prepare a single email for each branch containing responsive documents. If you have none, also let me know. Examples of guidance documents we discussed for MAMD included: Applicability Determinations, the Streamlining Memo, and Grant Guidance.

We should only provide responsive documents that were issued for an external audience and during this administration (Since January 2017). Please provide to me and Rick by 3pm Wednesday 7/25.

Thanks,

Martha

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Martha Segall  
Director (Acting)  
Monitoring, Assistance, and Media Programs Division  
Office of Compliance/OECA  
U.S. EPA  
ph: (202) 564-0723

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**From:** Dombrowski, John

**Sent:** Thursday, July 19, 2018 3:13 PM

**To:** OECA-OC-Division and Deputy Directors <OECA-OC-Division-and-Deputy-Directors@epa.gov>; Holic, Daniel <Holic.Daniel@epa.gov>

**Subject:** IMPORTANT: Guidance document issue discussed at this week's OD meeting - REPSONSE NEEDED BY 7/25

**Fire drill:** Please see note below from Mark B as mentioned in staff meeting on Wednesday on the collection of documents developed under this administration intended for an external audience. I would think this would mostly cover any policy or guidance documents we have developed in OC and not training documents. Please read Mark's email closely though.

Please copy Rochele and me on any documents you send to Keith per the instructions below. Also, please let Rochele and me know if you think you do not have any documents that are responsive to this request so I can at least say our office has fully evaluated our materials.

Please let Rochele or me know if you have any questions. Thx

John Dombrowski, P.E.  
Deputy Director  
Office of Compliance  
Office of Enforcement and Compliance Assurance, U.S. EPA  
WJC South, Room 5140A (within 5142 bay area)  
202-566-0742 (Office)  
202-365-8796 (Cell)

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**From:** Badalamente, Mark

**Sent:** Thursday, July 19, 2018 1:58 PM

**To:** OECA Office Directors and Deputy Directors <OECA\_Office\_Directors\_and\_Deputy\_Directors@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>

**Cc:** Bartlett, Keith <Bartlett.Keith@epa.gov>; Emmerson, Caroline <Emmerson.Caroline@epa.gov>

**Subject:** Guidance document issue discussed at this week's OD meeting - REPSONSE NEEDED BY 7/25

Colleagues –

On May 11, 2018, as part of an agency-wide request from the Office of Policy, OAP requested information from OECA offices related to the “types or categories” of guidance documents or interpretive rules OECA issues. In response, OECA submitted the following list to the Office of Policy:

- Documents labelled “guidance,” e.g., Guidance Memoranda, Technical Guidance, Guidelines/Guides
- Memoranda/Memorandum
- Fact sheets
- Policy papers/statements
- FAQs
- Questions & Answers
- Letters responding to inquiries
- Documents interpreting statutes or regulations
- Penalty policies
- Enforcement response policies
- Financial models
- Sector audit agreements
- Memorandums of Agreement/Memorandums of Understanding
- Federal Facility compliance/enforcement alert - Multimedia

Following up on this request, OP now requests the actual documents that EPA would submit to Congress and GAO under the Congressional Review Act (CRA). OP seeks the following documents that were developed by OECA during this Administration only:

- Final rules other than those (1) of particular applicability or (2) related to agency management or personnel or (3) related to agency organization, procedure, or practice that does not substantially affect the rights or obligations of non-agency parties.
  - For OECA, this would include the Annual Penalty Adjustment Rule.
- Final guidance that is intended for external audiences and implements, interprets, or prescribes law or policy. This is not limited to documents styled as “guidance” and could include other types of documents (memos, policies, etc.). The documents may be addressed to EPA recipients but implement or interpret requirements on external parties. For example, we recently sent the OAR memo that withdrew the “once in always in” policy to the Hill and GAO under the CRA.
  - For OECA, an example would include the No Action Assurance issued July 6, 2018.

The types of documents covered under this request is narrower than the above list. For example, based on conversations with OP staff, please do not include Facts Sheets, FAQs, Q/A's, or other documents that are not intended for an external audience. **Please send a copy of each applicable document to Keith Bartlett no later than COB Wednesday 7/25.** Please contact Keith if you would like to discuss whether a specific guidance document or policy should be included in this request.

Thank you for your help on this, and sorry about the short turnaround.

– Mark

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Mark Badalamente  
Director, Office of Administration and Policy  
Senior Resource Official (SRO)  
Senior Information Official (SIO)  
Office of Enforcement and Compliance Assurance

US Environmental Protection Agency  
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Room 3235 South  
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